

EXHIBIT 2

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: No. 20-10249

Caption: Shiyang Huang, et al. V. Brian Spector, et al.	District and Division: <u>Northern District of Georgia</u>
	Name of Judge: <u>Hon. Thomas W. Thrash</u>
	Nature of Suit: <u>class action</u>
	Date Complaint Filed: <u>Dec. 6, 2017</u>
	District Court Docket Number: <u>1:17-md-02800-TWT</u>
	Date Notice of Appeal Filed: <u>02/10/2020</u>
	<input type="checkbox"/> Cross Appeal <input checked="" type="checkbox"/> Class Action
	Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If Yes, provide
	(a) Caption: _____
	(b) Citation: _____
	(c) Docket Number: _____

	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant:			
<input type="checkbox"/> Plaintiff	Melissa A. Holyoak	1629 K Street NW, Suite 300	melissaholyoak@gmail.com
<input type="checkbox"/> Defendant	Hamilton Lincoln Law Institute	Washington, D.C. 20006	573-823-5377
<input checked="" type="checkbox"/> Other (Specify)			
Objectors Theodore H. Frank and David R. Watkins			

For Appellee:	Kenneth S. Canfield	1355 PEACHTREE ST NE STE 1725	404-881-8900
<input checked="" type="checkbox"/> Plaintiff	Doffermeyre Shields Canfield & Knowles, LLC	ATLANTA, GA 30309	404-920-3246 (fax)
<input checked="" type="checkbox"/> Defendant	Attorneys for Plaintiffs-Appellees		kcanfield@dskcd.com
<input type="checkbox"/> Other (Specify)			
	David L. Balser	1180 PEACHTREE ST NE STE 1600	Direct: 404-572-5109
	King & Spalding, LLP	ATLANTA, GA 30309-3521	Firm: 404-572-4600
	Attorneys for Defendants-Appellees		dbalser@kslaw.com

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question	<input checked="" type="checkbox"/> Final Judgment, 28 USC 1291	<input type="checkbox"/> Dismissal/Jurisdiction	Amount Sought by Plaintiff: \$ <u>not specified</u>
<input type="checkbox"/> Diversity	<input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1)	<input type="checkbox"/> Default Judgment	Amount Sought by Defendant: \$ _____
<input type="checkbox"/> US Plaintiff	<input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b)	<input type="checkbox"/> Summary Judgment	Awarded: \$ _____
<input type="checkbox"/> US Defendant	<input type="checkbox"/> Interlocutory Order, Qualified Immunity	<input type="checkbox"/> Judgment/Bench Trial	to _____
	<input type="checkbox"/> Interlocutory Order, Final Agency Action (Review)	<input type="checkbox"/> Judgment/Jury Verdict	Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Granted <input type="checkbox"/> Denied
	<input type="checkbox"/> 54(b)	<input type="checkbox"/> Judgment/Directed Verdict/NOV	
		<input type="checkbox"/> Injunction	
		<input checked="" type="checkbox"/> Other <u>Class Action Final Order and Judgment</u>	

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No

What is the issue you claim is one of First Impression? _____

- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No

If Yes, provide

(a) Case Name/Statute Amchem Prods. v. Windsor, 521 U.S. 591 (1997); Ortiz v. Fibreboard Corp., 527 U.S. 815 (1999); Juris v. Inamed, 685 F.3d 1294 (11th Cir. 2012).

(b) Citation Fed. R. Civ. P. 23(a)(4)

(c) Docket Number if unreported _____

- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that

(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No

(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No

If Yes, provide

(a) Case Name _____

(b) Citation _____

(c) Docket Number if unreported _____

(d) Court or Agency _____

- (4) Will this appeal involve a conflict of law

(a) Within the Eleventh Circuit? ☐ Yes ☒ No

(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Supreme Court precedent requires separate representation under Rule 23(a)(4) where subgroups of class members have materially different claims creating fundamental intra-class conflicts. Did the district court err as a matter of law when it certified a single nationwide settlement class, though many class members have materially different causes of actions with materially different legal remedies, including state statutory-damages claims that were sufficiently colorable to survive a motion to dismiss?

Did the district court's class-certification decision impermissibly rely upon inadmissible expert evidence and class counsel's proposed opinion instead of providing the scrutiny required by Rule 23 and the Supreme Court?

Was the district court's delegation of the drafting of the final approval order fundamentally unfair where the proposed order reflects substantially verbatim duplication of class counsel's proposed opinion--submitted ex parte and then hidden by the district court and class counsel--that overreaches the court's findings from the fairness hearing, and abused the process to make factually unsupported findings against opposing counsel? And if so, is reassignment of the case required?

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS _____ 4th ____ DAY OF ____ May _____, ____ 2020 ____.

Melissa A. Holyoak

/s Melissa A. Holyoak

NAME OF COUNSEL (Print)

SIGNATURE OF COUNSEL